Remarks

The presently submitted claims are identical to pending claims 1, 2, and 4 to 41 of the parent application. Claims 1, 2, and 4 to 41 of the parent application were rejected for obviousness over Fujimoto (WO99/11605).

The claims require, *inter alia,* administration of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid or a pharmaceutically acceptable salt in an amount between 200 and 1200 mg where the amount is effective to treat a cyclooxygenase-2 mediated disorder or condition for about 24 hours by administering an immediate release pharmaceutical composition comprising the aforesaid drug. For an obviousness rejection of these method claims to be proper, there must be something in the prior art that would teach or suggest that a single administration of such an amount of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid or salts thereof would be effective for 24 hours, i.e., that the drug would not be cleared or metabolized to a point where it was no longer effective and redosing would be required.

Composition claims 20 to 31, 34, 35, and 41 are not simply directed to the ingested dosage form itself, but require that the composition contain instructions directing once a day administration. Composition claims 36 to 38 require that the composition include a certain percentage range of degradation product of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid, which is nowhere disclosed or suggested by the cited art.

One of ordinary skill in the art, at the time the present application was filed, would have had absolutely no basis to expect any particular pharmacokinetic profile, i.e., blood levels over time, for 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid administered in an immediate release form. There is no way that one could have predicted the 3 to 6 hour half life of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid in humans, or that, despite this short plasma half life, that an immediate release formulation of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid could be administered orally only once a day and still achieve effective 24 hour treatment of a cyclooxygenase-2 dependent disorder or condition. It is respectfully submitted that there was, and is, no way to predict whether it will be necessary to dose an immediate release formulation of a particular drug once, twice, or even four times a day to be effective until the drug has been characterized.

Statements made by the Examiner in the parent application that ...there is no demonstration in the Figure 4 that the instant drug formulation has unusual result over the drug formulation of Fujimoto" also is not relevant to the patentability of the present claims. Fujimoto enables and describes oral dosage forms of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid, and such dosage forms, if prepared conventionally for immediate release in the dosages presently claimed would likely have had a 24 hour effect. However, this does not change the fact that Fujimoto never specifically exemplifies such dosage forms, and most certainly never administers them once in a 24 hour period to humans for the purpose of treating a COX-2 mediated disease or disorder. Thus, there is nothing in Fujimoto that discloses or suggests the

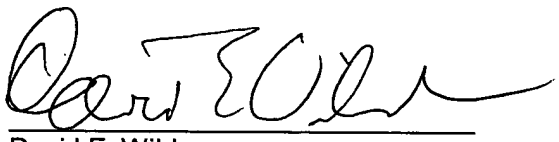
ability to administer an immediate release dosage form containing 200 to 1200 mg of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid only once every 24 hours while remaining effective for that time period.

The tests described in Fujimoto are similarly unhelpful as grounds for rejection of the present claims. As the Examiner noted in the parent application, *in vivo* tests are performed a maximum of 8 hours after administration of test drugs, including 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid. Thus, there is no test of the effectiveness of 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid on a COX-2 mediated condition about 24 hours after administration disclosed by Fujimoto, and so the tests cannot be said to suggest effectiveness for a 24 hour period, as required by claims 1, 2, 4 to 35, and 39 to 41.

Claims 36 to 38 require a pharmaceutical composition that comprises 5-methyl-2-(2'-chloro-6'-fluoroanilino)phenylacetic acid AND between 0.01 and 2% by weight of 5-methyl-2-(2'-chloro-6'-fluoroanilino)benzyl alcohol. There is no suggestion or disclosure in Fujimoto of the compound 5-methyl-2-(2'-chloro-6'-fluoroanilino)benzyl alcohol, and accordingly it is respectfully submitted that claims 36 to 38 cannot be rendered obvious therefrom.

In light of the above remarks and this preliminary amendment, it is respectfully submitted that the present claims are not obvious over the art cited in the parent application and accordingly the claims should be passed to allowance.

Respectfully submitted,



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